



ELECTION NEWS

A special informational bulletin
on the implementation of
Michigan election law.

Michigan Department of State - Terri Lynn Land, Secretary of State

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Post-Election CFR Compliance Statement Must Be Filed by Elected Candidates

Any candidate elected to office on the state, county or local level is required to file an affidavit prior to assuming office which states that at the date the affidavit was executed, all statements, reports, late filing fees and fines required of the candidate or any Candidate Committee organized to support the candidate's election under Michigan's Campaign Finance Act have been filed or paid.

- The affidavit is not required of an elected candidate who 1) is exempt from the filing requirements of Michigan's Campaign Finance Act or 2) did not receive or expend more than \$1,000.00 during the election cycle.
- An elected candidate who is required to file a Post-Election Campaign Finance Compliance Statement must submit the affidavit to the filing official designated to receive the elected

candidate's campaign finance disclosure filings. Thus, an elected candidate who is required to file his or her campaign finance disclosure filings on the county level must file his or her Post-Election Campaign Finance Compliance Statement on the county level.

- The Post-Election Campaign Finance Compliance Statement form can be accessed through the Department of State's Web site www.Michigan.gov/sos. (Click on "Elections in Michigan"; on the Elections in Michigan page, click on "Publication and Forms.")
- An elected candidate who is required to file the statement who fails to submit the form is guilty of a misdemeanor punishable by "fine of up to \$500.00 or imprisonment for up to 93 days, or both."

Recount Reminder: County and Local Recounts May Not Be Conducted Until State Clearance Is Issued

County and local recounts requested after the November 4 general election may not be conducted until written clearance is received through the Michigan Department of State's Bureau of Elections. All ballots, voting equipment, programs and other materials placed under security must remain sealed until instruction is received through the Bureau. A memo on the conduct of county and local recounts will be forwarded to the county clerks on Wednesday, November 26, 2008.

2009 Election Date Calendars Available

Date calendars for the elections scheduled in 2009 are currently available on the Department of State's Web site www.Michigan.gov/sos. To locate the date calendars, click on "Elections in Michigan"; on the Elections in Michigan page, click on "Information for Election Administrators."

The following calendars are available: February 24, 2009 election; May 5, 2009 election; September 15, 2009 village election; 2009 city election dates; and the November 3, 2009 election.

Materials Needed to Administer February 24 Election

The following article outlines the election materials needed for the administration of the February 24 election which are available through the Department of State's Bureau of Elections.

It merits note that the Department of State's Bureau of Elections is not responsible for supplying election seals for the administration of the February 24 election. If election seals are needed for the election, they must be ordered through a commercial vendor. (The Bureau is responsible for supplying election seals for state and federal elections only.)

Election materials which can be ordered from the Bureau: The following materials can be ordered through the Michigan Department of State's Bureau of Elections if needed. An order form is included with this newsletter for your convenience.

- A. Voter information posters:** A minimum of two copies of the poster must be placed on display in each polling place. The poster complies with the requirements of Michigan election law. (The voter information poster prepared for the February 24 election can also be printed from the Department's Web site as explained below.)
- B. Audio version of voter information (cassette tape):** An audio version of the voter information must be available in each polling place. (The audio version of the voter information used during the 2008 election cycle can be used for the February 24 election.)
- C. Braille version of voter information:** A Braille version of the voter information poster must be available in each polling place. (The Braille voter information displays used during the 2008 election cycle can be used for the February 24 election.)

Election materials which are available on the Bureau's Web site: The following materials needed to administer the February 24 election can be accessed on the Department of State's Web site www.Michigan.gov/sos. To locate the information, click on "Elections in Michigan"; on the Elections in Michigan page, click on "Information for Election Administrators."

- A. Voter information posters:** As noted above, a minimum of two copies of the poster must be placed on display in each polling place. The voter information posters can be printed from the Bureau's Web site. (Legal sized paper is needed to print the poster.)
- B. Provisional balloting materials:** Every polling place must be supplied with the materials needed to administer Michigan's provisional balloting process. The following materials can be accessed through the Web site: the "Four Step Procedure Form," the notices needed for distribution to voters who are issued a provisional "envelope" ballot, the "Procedure for Handling 'Envelope' Ballots Returned to Clerk's Office," and the "Provisional Ballot Report Form."
- C. Michigan voter identification implementation materials:** Every polling place must be supplied with the materials needed to administer Michigan's voter identification

requirement. The following materials can be accessed through the Web site: Instructions for implementing Michigan's voter identification requirement, "Affidavit of Voter Not In Possession of Photo ID" (English and Spanish), informational notice for voters (English and Spanish) and voter processing flow charts.

- D. AutoMARK Voter Assist Terminal materials:** The following materials are available: "Accessible Voting Signage," "AutoMARK Election Inspector Guide," "AutoMARK Program Testing Procedures," "Sample Public Accuracy Test Notice," "Voting System Preparation Certificate," 10-minute instructional video and "AutoMARK Troubleshooting Guide."

Filing Deadline for May 5 Election Elapses on February 10
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Local school board candidates, community college trustee candidates and district library board candidates who wish to seek office at the May 5, 2009 election must file an Affidavit of Identity and a nominating petition no later than 4:00 p.m. on Tuesday, February 10, 2009. A \$100.00 nonrefundable filing fee may be filed by the candidate in lieu of a petition. The candidate withdrawal deadline elapses at 4:00 p.m. on Friday, February 13, 2009.

If the population of the district is less than 10,000, the candidate's petition must contain a minimum of 6 signatures; no more than 20 signatures can be filed to cover the minimum signature requirement. If the population of the district is 10,000 or more, the candidate's petition must contain a minimum of 40 signatures; no more than 100 signatures can be filed to cover the minimum signature requirement.

Determining Village Election Costs

Villages are required to reimburse any expenses incurred by a township when conducting a regular or special election on behalf of the village. If a regular or special village election is held in conjunction with another election conducted by the township, the village is responsible for paying the township a proportionate share of the expenses involved. If a regular or special village election is not held in conjunction with another election conducted by the township, the village is responsible for 100% of the costs attributable to the conduct of the village's regular or special election. (MCL 168.642(7) as amended under PA 292 of 2004)

Given the above, a village that filled its elected positions in conjunction with the November 4, 2008 general election must reimburse the township or townships in which the village is located a proportionate share of the election related expenses incurred by the township(s) including labor

costs, rental charges, custodial fees, etc. When determining the village election costs, the following standards are recommended:

- In any precinct where 100% of the registered voters reside in the village, the village is responsible for 50% of the precinct management costs.
- In any precinct where less than 100% of the registered voters reside in the village, the village is responsible for 50% of the precinct management costs attributable to the village voters. For example, if 10% of the registered voters in the precinct reside in the village, the village would be responsible for 5% of the precinct management costs.

Qualifications of Recall Petition Circulators Modified Under Federal Court Decision

Certain qualifications of recall petition circulators were recently modified under a decision issued by Judge Robert Holmes Bell, U.S. District Court, Western District of Michigan. Under this decision, the circulator of a recall petition does not have to be a registered voter or a resident of the district represented by the public official whose recall is sought. Judge Bell's decision did not address the other qualifications. Under Michigan law, the circulator of a recall petition must be 18 years of age, a U.S. citizen and a resident of Michigan.

As has always been the case, the signer of a recall petition must be a qualified elector who is registered to vote in the district represented by the public official whose recall is sought. In addition, each signer must be registered to vote in the city or township specified in the recall petition sheet heading.

Election Resources Available on Department's Web Site

A wide variety of election related information and materials can be accessed through the Department's Web site www.Michigan.gov/sos. To locate, click on "Elections in Michigan"; on the Elections in Michigan page, click on "Information for Election Administrators." The information and materials currently available on the Web site include the following:

- Michigan election law.
- February 24, 2009 Voter Information Poster.
- February 24, 2009 election date calendar.
- May 5, 2009 election date calendar.

- September 15, 2009 village election date calendar.
- 2009 city election date calendar.
- November 3, 2009 election date calendar.
- Provisional balloting implementation materials.
- Election inspector training materials.
- Michigan voter identification requirement implementation materials.
- AutoMARK implementation materials.
- Archives of previous issues of *Election News* and *News You Can Use*.

Have a Question or Need Assistance?
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If you have a question or need assistance with your election related duties, please do not hesitate to contact the Michigan Department of State's Bureau of Elections. We will be happy to assist in any way possible!

Mailing address: Michigan Department of State
Bureau of Elections
PO Box 20126
Lansing, MI 48901-0726

Phone: (517) 373-2540

Email: elections@michigan.gov

Fax: (517) 373-0941



STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

Order Form
-- February 24 Election Materials --

Return form via mail or fax to Ruth Lee, Bureau of Elections, P.O. Box 20126, Lansing, Michigan 48901-0726. Fax: (517) 373-0941.

Jurisdiction name: _____

Date: _____ **Submitted by:** _____

Mailing address for supplies: _____

Item

Quantity

Voter information posters*: _____

**Voter information in audio format
(Cassette tape):** _____

Braille version of voter information: _____

Thank you!

* As an alternative, the voter information posters can be printed from the Bureau's website.